


PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CI0121PCT		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2004/007320		International filing date (day/month/year) 05.07.2004		Priority date (day/month/year) 04.07.2003
International Patent Classification (IPC) or national classification and IPC B65D33/30				
Applicant CFS WEERT B.V.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 11.01.2005			Date of completion of this report 09.09.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016			Authorized Officer Mans-Kamerbeek, M Telephone No. +31 70 340-3969	

BEST AVAILABLE COPY

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/007320

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-10 filed with telefax on 11.08.2005

Drawings, Sheets

1/3-3/3 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☒ the claims, Nos. 11,12
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/007320

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following document/s/:

D1: GB 994 533 A (HAMMER AS PAPIRINDUSTRI S) 10 June 1965 (1965-06-10)

1)

Document D1, which is considered to represent the most relevant state of the art, discloses a package from which the subject-matter of claim 1 differs in that it comprises a tray with means to partially remove it from the package up to a predetermined maximum extend.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as providing a package that is more comfortably handled.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
None of the prior art discloses means to prevent the tray from being pulled out completely.

Claims 2-10 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

AMENDED CLAIMS

1. Package (1) comprising a plastic film (10) with at least two seals (2) and an opening area (3), the package (1) comprising a plastically deformable tape (4), the tape (4) being applied on, preferably sealed to the film, in the opening area (3) and inside or outside the package item, the package (1) further comprising a tray (100), characterized in that said package (1) and said tray (100) comprise means (110, 120) to partially remove said tray (100) from said package (1) only up to a predetermined maximum extent.
2. Package item according to claim 1, characterized in, that said tape (4) and said plastic film (10) are provided repeatedly foldable in order to reclose the package (1) whereas the tape (4), once folded, prevents the plastic film (10) from unfolding.
3. Package (1) according to claim 1 or 2, characterized in that said tape (4) comprises a metal or a metal alloy.
4. Package (1) according to any of the preceding claims, characterized in that the tape (4) comprises aluminium or an aluminium alloy.
5. Package (1) according to any of the preceding claims, characterized in that the tape (4) comprises a laminate.
6. Package (1) according to any of the preceding claims, characterized in that the package (1) comprises opening means (5).
7. Package (1) according to any one of the preceding claims, characterized in that said tray (100) is provided to carry packaged goods (105).
8. Package (1) according to any one of the preceding claims, characterized in that said packaged goods (105) are only removed partially up to a predetermined maximum extent.

9. Package (1) according to any one of the preceding claims, characterized in that said plastic film (10) is provided as a multilayer film (10).
10. Package (1) according to any one of the preceding claims, characterized in that said packaged goods (105) are cheese and/or ham.